

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MICHAEL LEWIS,)	
)	
Movant,)	
)	
v.)	Civ. No. 2:21-cv-2158-SHM-tmp
)	Cr. No. 2:16-cr-20218-SHM-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

**ORDER DENYING MOTION TO SHOW CAUSE AS MOOT
ORDER GRANTING MOTION FOR ENLARGMENT OF TIME
AND
ORDER DIRECTING UNITED STATES TO RESPOND TO MOVANT’S MOTION TO
AMEND OR SUPPLEMENT**

Before the Court are “Defendant’s Motion for the Court to Order the Government to Show Cause Why He Should Not Be Granted the Relief Sought in his Section 2255 Motion” (the “Show Cause Motion,” ECF No. 9) and “Movant’s Motion for An Enlar[g]ement of Time to Reply to Respondent’s Answer for Good Cause Shown” (the “Motion for An Enlargement of Time,” ECF No. 10), both filed by Movant Michael Lewis. For the reasons stated below, the Show Cause Motion is DENIED as moot, and the Motion for An Enlargement of Time is GRANTED.

I. THE SHOW CAUSE MOTION

On April 2, 2021, Movant filed the Show Cause Motion and asked that the Government appear and show cause why he should not be granted the relief he seeks. (ECF No. 9 at PageID 85.) The motion was dated March 25, 2021, and the envelope was postmarked March 29, 2021. (*Id.*; *see* ECF No. 9-1.) The Government did not file a response to the Show Cause Motion, and the period for responding has expired.

On March 26, 2021, before the Show Cause Motion was postmarked or received by the Court, the Government filed a Response of the United States in Opposition to Defendant's Motion Under 28 U.S.C. 2255, which states the Government's arguments for denying the § 2255 motion. (ECF No. 8.) Because the Government has responded to the § 2255 motion, the Show Cause Motion is DENIED as moot.

II. THE MOTION FOR AN ENLARGEMENT OF TIME

On April 12, 2021, Movant filed the Motion for An Enlargement of Time. (ECF No. 10.) He requested an extension of time until May 15, 2021, to reply to the Government's response. Movant represents that he was on lockdown due to COVID-19 and did not have access to the law library or legal assistance. (*Id.* at PageID 88.) Movant then filed his reply on May 3, 2021. (ECF No. 11.) Movant has shown good cause for the enlargement of time. The Motion for An Enlargement of Time is GRANTED, and the reply is deemed timely filed.

III. THE MOTION TO AMEND OR SUPPLEMENT

At the end of Movant's reply, he includes a motion to amend or supplement his § 2255 motion.¹ (*See* ECF No. 11 at PageID 92, 100-102.) Movant asserts that he was denied effective counsel on appeal and that counsel refused to raise a *Rehaif*² claim on appeal. (*See id.* at PageID 100-102.) The Government has not responded to the motion to amend or supplement the § 2255 motion and has not addressed the ineffective assistance claim.

¹ The document is titled a reply with the first reference to an amendment or supplement in a footnote. (ECF No. 11 at PageID 92 n.1.)

² *See Rehaif v. United States*, 139 S. Ct. 2191 (2019).

The Government is DIRECTED to file a response to the motion to amend or supplement the § 2255 Motion within twenty-one (21) days from the date of entry of this Order. Movant may, if he chooses, submit a reply within fourteen (14) days of service.

It is ORDERED that attorney Arthur E. Quinn is released from the attorney-client privilege to the extent necessary to submit an affidavit of counsel and such other documents as may be necessary for the Government to respond adequately. All other matters shall remain privileged.

IT IS SO ORDERED this 9th day of January, 2024.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE